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The Defects of the System of Mandates

By HERBERT ADAMS GIBBONS, PH.D.

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THE mandatory scheme was undoubtedly proposed by Mr. Wilson with an altruistic end in view. It was adopted, however, by the European statesmen as a scheme to disguise under a cloak of virtuous self-abnegation the intentions of the conquerors of Germany to divide among themselves Germany's overseas possessions.

In his recent book, Mr. Lansing attempts to explain Mr. Wilson's infatuation on the mandate question by a disconcerting analysis of his former chief's mental processes. Mr. Lansing believes that "a sufficient and very practical reason" for the willingness of Clemenceau and Lloyd George to acquiesce in the mandatory plan was that in this way "Germany lost her territorial assets, which might have greatly reduced her financial debt to the Allies, while the latter obtained the German colonial possessions without the loss of any of their claims for indemnity."

An additional and equally compelling reason might have been adduced by Mr. Lansing had he been aware of the embarrassment and alarm of the French and British premiers over Italy's insistence upon the fulfillment of a clearly worded article in the secret treaty of 1915. One of the promises exacted by Italy as the price of her intervention in the war was "adequate territorial compensation" in case the war should bring "an increase in the colonial possessions of France and Great Britain in Africa." President Wilson was the *deus ex machina*. Togo, Kamerun, German East Africa, German Southwest Africa, belonged to the League of Nations. The Treaty of Versailles did not give them to France

and Great Britain as colonies. How could Italy argue that her Allies had increased their African possessions? The former German colonies were simply "a sacred trust."

The French and British Governments have never at any time, either before or after the signing of the Treaty of Versailles, taken the mandate idea seriously. It is not difficult to prove this assertion. It is based upon hard, cold facts, of which the Wilson Administration did not seem to be aware until the end of the year 1920. The prophecy of Isaiah about "seeing ye shall see and shall not perceive," was certainly fulfilled at Paris, not only in regard to the former German colonies in Africa and the Pacific, but also in regard to the Ottoman races. The mandatory articles of the Covenant were being violated at the moment of drafting, and during the two months before the Treaty of Versailles was signed. Mr. Wilson should have been aware of the intents of his associates. As the mandatory question is now becoming an international issue, through the notes of Secretaries Colby and Hughes, it is important for the American people to realize that the American Government has no reason to be surprised at the attitude of the French and British and Japanese Governments.

MANDATORY POLICY OF THE ALLIED PREMIERS

Concealment of mandatory intentions, and denial of the authority of the League of Nations have been the consistent policy of the Allied Premiers. Since April, 1919, the allotment of the mandates, the drawing of boundaries and the rules for governing man-

dated territories have been matters of direct negotiation between the powers in actual possession of German and Ottoman territories at the time of the Armistice. These powers did not wait until the Council of the League was formed. The residuary trustee idea is a farce, since the Entente Powers are interested in the League of Nations only as a convenient instrument to use in furthering their own foreign policies. This is natural. Who can deny that the authority and activities of the League in all matters that count are under the direct control of the Allied Premiers, who think of the League simply as a Doctor Jekyll—a false front to shield their Mr. Hyde doings?

The mandates for the former German colonies and Ottoman Empire were decided upon before the Covenant of the League of Nations was adopted. The ownership of these territories had been a matter of secret negotiations among the Entente Powers during the war. Mr. Wilson's intervention at Paris changed nothing. Mr. Wilson was humored to the extent of being allowed to invent a new name. That was all. "What's in a name?"

The mandates for the former German colonies were allotted to those who held them by those who were holding them. On the day that the Treaty was handed to the German delegates Mr. Wilson agreed to recognize that a *de facto* system already existed. He seems to have remonstrated only on the question of Yap, and that reservation was not written into the minutes. France and Great Britain had already made an agreement to swap lands, when Belgium kicked about being frozen out. Her statesmen appealed to Great Britain as the owner of German East Africa and not through the League of Nations. King Albert flew to Paris and an agreement was reached without thought or reference to this residuary trustee.

The Anglo-Belgium agreement transferred an inland portion of German East Africa to Belgium, thus proving that the British and Belgian Governments did not believe either that the title of the conquered territory was vested in the League of Nations or in the five principal Allied or associated powers, or that a former German colony as a mandated territory should be preserved in its territorial integrity. The world, and this includes the United States Government, has never been told of the terms on which Great Britain agreed to divide the former German colonies in the Pacific with Japan and what other terms were reached concerning the German islands south of the equator and German Southwest Africa.

The Ottoman Empire had been similarly taken care of by secret understanding, concluded in 1915 and revised at the instance of Russia in 1916. The facts concerning the Sykes-Picot agreement of 1916 between Great Britain and France, and concerning the British pledges to Zionists and Arabs, must have filtered through the press to the White House long before Mr. Wilson sailed for Paris. These agreements should have demonstrated to the American negotiator—I use the singular—the absurdity of Article XX of the Covenant, but if Mr. Wilson needed another warning of the intention of his colleagues to give him the shadow while they kept the substance, he had it in their failure to comply with the "wishes of the inhabitants"—I am quoting from the text of the Treaty of Versailles.

THE OTTOMAN MANDATE

It has been frequently asserted by apologists for the League and Mr. Wilson that the United States was excluded in a share in the Ottoman mandates of our own volition. This is not true. France and Great Britain never suggested, even indirectly, that

we participate in the inheritance of the Ottoman Empire in any other way than in relieving them of the burden of the barren and mountainous portion of Armenia, cut off from the sea and from the regions of Armenia that were rich in cotton, copper and oil; and in regard to this thing may I say that I myself have seen with my own eyes the report on this question of General Franchet d'Esperey to the French Foreign Office.

Article XX provides that "members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter any engagements inconsistent with the terms thereof."

In justification of Mr. Wilson one might advance the argument that he relied on this stipulation, to prevent secret understandings, from nullifying the stipulations of Article XX. We must give Mr. Wilson justice in this matter, and we can believe that he provided for it, but international diplomatic language must be specific. "Inconsistent with the terms thereof" means nothing, unless "the terms thereof" are explicit and comprehensive. While the spirit of Article XX is unmistakable, its language is in places vague and childish, undoubtedly intentionally so. Although it is declared that "The well-being and development of such peoples form a sacred trust of civilization," the open door is promised only to members of the League, and yet Article CXIX provides that, "Germany renounces in favor of the principal Allied and associated powers all her rights and titles over her overseas possessions." Unless all five powers are members of the League, Articles XXII and CXIX contradict each other. Exactly this

unprovided for contingency has arisen at the present time. The fault does not lie at the door of the Allied Premiers. The League of Nations was presumably an American conception, and the mandate scheme was a concession to the American President. The sponsor of the mandate idea did not know how to be its defender.

The Colby notes of November 20, 1920, to Great Britain on Mesopotamia, and of February 21, 1921, to the League Council on the former German colonies are admirable documents, and present, with fidelity, the American point of view. This is proved by the fact that the Harding Administration has continued the same policy, and Secretary Hughes follows the same line of argument. But are we not crying over spilled milk? It is the statesmen's duty to care for the interests of his country at the moment the danger arises, or, better still, to foresee and provide against all possible attempts of others to take advantage of his country.

The "equal concern and inseparable interest with other principal powers in the overseas possessions of Germany, and concededly, an equal voice to the disposition," ought to have been claimed by the United States before hostilities ended, or, at the very latest, before the Peace Conference opened. Good statesmanship would have prompted a concise setting forth of our equal concern and inseparable interest in every material advantage to be gained by the Treaty as a preliminary participation in the negotiation of the Treaty. There is nothing more pathetic than the use of that word "concededly" in a document which shows that "concededly" is not there.

AMERICA'S MISTAKE

I know that some generous, high minded Americans are bitterly opposed to what I have said. They say that it

would have been beneath our dignity between our comrades in arms and ourselves had any such course been followed. The idea is beautiful but impractical. Just how impractical it is we know, for the simple reason that it has been tried. Americans, with their heads in the clouds and thinking of the war as holy and of our associates as angels, forget that Great Britain, France, Russia and Japan did not feel it improper to enter an understanding with one another as to what should be the share of each in case of victory. Italy held up her Allies twice for an increased share in Russia during critical periods of the war. Japan wrung from others the promise of Shantung when she saw that the United States was going to come in. Roumania and Greece bargained with the Allies—they began to inquire about the future of Africa as early as 1916. While the Battle of the Somme was on, Great Britain and France were dangerously near friction in a discussion about their respective shares of the Ottoman Empire. After the Armistice the storm broke. Frank statements of public opinion in their respective countries on a variety of questions were put through the Paris clearing house by the representatives of the victorious nations. Why was it not made clear to our associates that American disinterestedness was contingent upon their disinterestedness and that equality of opportunity and treatment for American commerce with the commerce of every other nation in all territories that changed hands as a result of the war we helped to win, would be insisted upon? Frequently Messrs. Lloyd George, Clemenceau, and Mr. Wilson also, stated that British, Italian or French public opinion would not stand this or that solution of the problem. Why was American public opinion not taken into consideration? Why was it taken

for granted that the United States would ratify blindly whatever Treaties that were put over? It would have been fair to our associates, as well as ourselves, had we told the European statesmen that American ratification of the Treaties was contingent upon what the Treaties contained.

We are told that the League of Nations is our work, but that we have not entered it; that the mandate scheme is our plan, but that we want no mandate ourselves. The American President was not only father of the League but he was responsible for the adoption of the Smuts suggestions that the League of Nations be the trustee for the former German colonies and the liberated portions of the Ottoman Empire.

The new administration has a pitiful legacy of error and inconsistency to handicap it in upholding a constructive policy on the mandate question. But Mr. Wilson is not alone to blame for the failure of the United States to protect at Paris American interests in the former German colonies and the Ottoman Empire. American public opinion has always been hostile to the policy of economic imperialism, because such a policy would entail sending armies overseas. Was not the mandate idea a possible means of conserving America's interests in the conquests without offering to assume obligations of a character that Mr. Wilson knew the American people would repudiate? It is easy to make one man our scapegoat, and it is as dangerous as it is easy.

TWO YEARS OF MANDATORY CONTROL BY ENTENTE POWERS

There is much to wax indignant about and to denounce in the way of self-appointed mandatory powers allotting to themselves the mandates, and in the way they have exercised them during the first two years of the

League of Nations experiment. We can find a true bill against the Entente Powers on the following counts: (1) conspiring with each other to thwart the spirit of the mandate plan by violating the agreement and solemn undertaking of the first paragraph of Article XX of the Covenant; (2) ignoring the Covenant stipulations concerning Class "A" mandates; (3) refusing to recognize the distinction they themselves made in Article XXII between Class "B" and Class "C" mandates; (4) anticipating by secret agreement the provision of Article XXII that the "degree of authority, control or administration to be exercised by the mandatory shall be explicitly defined in each case by the Council."

On the first three counts the facts to substantiate them are so well known and so thoroughly established that none can deny them. On the fourth count the evidence is as yet circumstantial. The council is completely under the control of the premiers of Great Britain and France. Because of the hope of favors, members of the council have not yet protested against being confronted with *faits accomplis* by the British and French premiers. As it is profitless to enter into speculations, I shall deal only with the first three counts.

(1) *Conspiracy to thwart the spirit of the mandate plan by violation of Article XX.* Mandates were to be, in the language of the covenant, "a sacred trust of civilization." Secret treaties and understandings were to be abrogated. But the Entente powers distributed all the mandates in conformity with bargains made during the war. When protests were made by the peoples who were thus disposed of without their knowledge or consent, and the text of Article XXII was cited by races who found that they had simply gone from Scylla to Charybdis, the answer

was made that the Entente powers were obligated to stand by their promise to one another, which antedated the covenant. Not only this, but additional secret agreements were entered into. Witness the treaty of August, 1920, between Great Britain, France, and Italy, dividing the liberated Ottoman territories into exclusive spheres of influence. Witness the answer of the Entente powers to the United States in answer to our protest concerning the island of Yap.

(2) *Violation of Covenant stipulations concerning Class A mandates.* Article XXII declares:

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Great Britain and France have been engaged for two years in campaigns in Mesopotamia, Cilicia, and Syria, with disastrous results to themselves as well as to the inhabitants of these countries. No attempt whatever has been made to consult the inhabitants as to the choice of the mandatory placed over them, nor has there been any "rendering of administrative advice and assistance." The British and French Governments have negotiated between themselves boundaries of the territories they coveted and intended to hold and exploit, with no consideration for ethnographic frontiers. The existence of former Ottoman communities "as independent nations" has not been "provisionally recognized." Syria has been artificially divided between France and Great Britain, and the Palestinians have seen an alien régime, which

threatens their existence, foisted upon them by force.

The story of the betrayal of the Armenians in Cilicia by the French, of the repudiation of the pledges of General Maude in Mesopotamia by the British, and of the intimidation of the Syrians by the French is a heart-rending one, the antithesis of what the world fondly hoped would happen after a war fought in defense of small nations and to make the world safe for democracy. One can not believe that British and French public opinion is acquainted with the sad exploits of their soldiers in the Near East—exploits which have tarnished the four years of glorious fighting in a righteous cause. Few Armenians are left to tell the tale. Arabs and Hedjazians curse the day they lent aid to the Entente. Syrians, Christians, and Moslems alike long for the days of Turkish rule.

(3) *Class B mandates are considered by the mandatories as integral parts of their territories.* I have already spoken of the rectification of frontiers in West Africa reciprocally by British and French, and of Lord Milner's deal with Belgium in giving away a portion of German East Africa. American missionaries report that there is no "freedom of conscience and religion," as Article XXII stipulates, and I have definite knowledge both of "the establishment of fortifications" and of "military training of the natives for other than police purposes and the defense of territories," both of which are forbidden by Article XXII. To all intents and purposes the Class B mandates are annexations. Great Britain and France have added to their colonial empires. Germany, whom French influence will keep out of the League, is by non-membership in the League deprived of resuming business with her former colonies. The United States is also not a member of the

League, and the "open door" is promised only to members of the League.

But if we do wax indignant, if we do remind the Entente powers that we have a 20 per cent interest in these mandated territories, if we do call the mandatories back to the original conception of the mandates as "a sacred trust of civilization," we are going to find our recriminations and our claims a boomerang. We shall come down to earth with a thud. The Entente Powers have as good a case against us as we have against them.

WILL AMERICA TAKE THE RESPONSIBILITY OF A MANDATE

If we are indignant over the way they are handling the mandates, are we ready to step into Syria or Mesopotamia or any part of Africa and try our hand? Mr. Balfour said at the first League assembly that it was inconceivable to expect Great Britain to take a mandate without the hope of getting something tangible and exclusive out of it. Unless we are willing to go with an altruistic end in view into the mandate business, have we any tenable grounds for objecting to Mr. Balfour's point of view? If we say that we have a 20 per cent interest in the mandates and that we expect to be consulted about everything that concerns them, the Entente powers can also answer that we have also a 20 per cent interest in the responsibilities. In the beginning they hoped that we would accept responsibilities without privileges, but now that they find that we want privileges without responsibilities, they may be ready to give us our 20 per cent of the responsibilities and privileges together. If I were a British statesman I would offer the American Government the administration of the Mesopotamian mandate, in accordance with Mr. Colby's note of November 20th. Are we pre-

pared for this master stroke of British diplomacy?

If we keep crying out that mandates are a sacred trust of civilization, the Entente premiers may tell us how grieved and shocked the British, French, Italians and Japanese are over our wholly inexplicable selfishness. Burdened with debts, exhausted by a far more formidable military effort than we were called upon to make, confronted with serious post-bellum problems at home, and still with the German problem unsolved on their

hands, they have done their best to assume this trust of civilization. We have never offered to do our part; we have claimed no share in this sacred trust of civilization.

In our thinking on international affairs we Americans are singularly simple-minded. Our attitude in the mandate question proves it. We must share in the responsibilities or waive the privileges. If we keep up our present attitude I fear our former comrades in arms have the right to think that we are either knaves or fools.

Mandates: America's Opportunity

By JAMES G. McDONALD

Chairman, Executive Committee of the Foreign Policy Association

I WAS fortunate enough to be at Geneva during the first half of the meeting of the Assembly, after having spent a couple of months going about Western Europe. I came to Geneva, therefore, with an interesting background of opinion from many states and peoples.

It became evident early in the Assembly that the question of mandates was going to be very important; that it was going to be one of the test subjects before this first world "parliament." The Assembly soon divided, as we say in parliamentary language, between the liberals and the conservatives, and upon no issue did they divide more sharply than on the question of mandates. On no other issue were the liberal leaders—men like Lord Robert Cecil and Dr. Nansen—able to secure anything like the enthusiastic support they received in bearding the Council in its "dog in the manger" policy in reference to this problem. The conservative leaders, particularly Mr. Balfour and Mr. Bourgeois and Mr. Viviani, were determined to insist

that League supervision over mandates was solely a matter for the Council and not for the Assembly. Whether this was a desire to maintain inviolate the prerogatives of the Council, or whether it was actuated by another and less credible motive, I do not attempt to say, but certainly this policy on the part of the conservative leaders created a very bad impression, especially when the Council went so far as to refuse to allow the members of the Assembly's Committee on Mandates to see the text of certain of the mandates unless the members of that committee agreed in advance not to refer to these texts in their published report to the Assembly.

THE COMMITTEE'S REPORT

Despite this opposition, the Assembly's committee investigated the mandate question in great detail and made a report, the chief provisions of which are succinctly given in Mr. Myers'¹ article. I need therefore not repeat them. The importance of that report lies in the courage and frankness with

¹ See page 74.